

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	(ECF CASE)
DAVID PAKTER,	:	
	:	
Plaintiff,	:	08-cv-7673 (DAB)(KNF)
- against -	:	
	:	
NEW YORK CITY DEPARTMENT OF EDUCATION	:	
f/k/a BOARD OF EDUCATION OF THE CITY	:	
SCHOOL DISTRICT OF THE CITY OF NEW YORK;	:	
et al	:	
	:	
Defendants.	:	
-----	X	

**PLAINTIFF'S NOTICE OF MOTION TO STRIKE
DEFENDANTS' JULY 1, 2009 MOTION TO DISMISS**

PLEASE TAKE NOTICE that Plaintiff David Pakter through his counsel will move this Honorable Court, as soon as counsel can be heard, before the Hon. Deborah A. Batts USDJ at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, NY 10007, for, among other things,

- a. For an Order pursuant to FRCP Rule 12 (f) (2) to strike Defendants July 1, 2009 Motion to Dismiss to the extent it contains "*an insufficient defense . . . and redundant, immaterial, impertinent, or scandalous matter*"; and
- b. For such other and further relief as the Court deems just and equitable.

PLEASE TAKE FURTHER NOTICE that in support of this Motion shall rely upon the attached Declaration of Plaintiff David Pakter, with supporting Exhibits and Letter Memorandum of Plaintiff's counsel Joy Hochstadt.

PLEASE TAKE FURTHER NOTICE that opposition if any, should be filed in accordance with the Federal Rules of Civil Procedure and Local Rules of the Southern District.

Dated: New York, New York
July 16, 2009

/s/ electronically signed
Joy Hochstadt Esq. (JH-0935)
JOY HOCHSTADT, P.C.
300 Central Park West, Suite 2 - E
New York, New York 10024
Tel. (212) 580-9930
Plaintiff's Counsel

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury as follows:

July 16, 2009 Notice of Motion to Strike

Was electronically filed with the Clerk of the Court, with a copy electronically served upon all counsel of record.

And two courtesy hard copies are provided for the Hon. Deborah A. Batts USDJ

Dated: New York, New York
July 16, 2009

/s/ electronically signed
Joy Hochstadt Esq. (JH-0935)